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MAY 18 2004

OFFICE OF PETITIONS

In re Application of
Khamar
Application No. 09/868,075
Filed: September 18, 2001
Attorney Docket No. KHAB 8076

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed May 13, 2004, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application was deemed abandoned for failure to reply in a timely manner to the non-final Office action mailed August 13, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was deemed abandoned on November 14, 2003. A Notice of Abandonment was mailed on April 5, 2004.

Petitioner contends the August 13, 2003 Office action was never received. The evidence is sufficient to establish non-receipt of the Office action.


The Notice of Abandonment and August 13, 2003 Office action are hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of \$55 will not be charged to petitioner's deposit account.

The correspondence address has been changed to the address associated with customer number 1688.

The file is being forwarded to the examiner in Technology Center Art Unit 1614 to remail the August 13, 2003 Office action and to set a new time period for reply from the mailing date thereof.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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Office of Petitions